

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHUUNDU MOOBA HABULEMBE

Petitioner,

v.

U.S. ATTORNEY GENERAL, et al.,

Respondents

No. 3:12-CV-335

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 3rd day of May, 2012, upon review of Magistrate Judge Smyser's

Report and Recommendation (Doc. 9) for plain error or manifest injustice, **IT IS HEREBY**

ORDERED that:

- (1) The Report and Recommendation (Doc. 9) is **ADOPTED**.
- (2) Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED WITHOUT PREJUDICE**.
- (3) The Clerk of Court is ordered to mark this matter as **CLOSED**.



A. Richard Caputo
United States District Judge